

HOUSE BILL 1061

By Gresham

AN ACT to amend Tennessee Code Annotated, Title 39,
Chapter 15, Part 4, relative to the "Tennessee
Unattended Children in Motor Vehicle Safety Act."

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. This act shall be known and may be cited as the "Tennessee Unattended Children In Motor Vehicle Safety Act", and shall also be known as the "Amber Cox-Cody Act".

SECTION 2. The purpose of this act is to protect innocent children from being injured or killed when left alone in a motor vehicle or from causing injury to others while left unattended in a motor vehicle.

SECTION 3. Tennessee Code Annotated, Title 39, Chapter 15, Part 4, is amended by adding the following language as a new section:

§ 39-15-414.

(a) As used in this section, unless the context otherwise requires:

(1) "Collision" is the act of a motor vehicle coming into contact with an object or a person;

(2) "Injury" means physical harm to the body of a person, the cause of which may be, but is not limited to, heat, cold, or suffocation;

(3) "Motor vehicle" means any automobile, truck, truck-tractor, or any motorbus or motor-propelled vehicle not exclusively operated or driven on fixed rails or tracks; and

(4) "Unattended child" means a child who is eight (8) years of age or younger and who is not accompanied by another person of at least fourteen (14) years of age and capable of exercising good judgment in relation to the health and safety of that child.

(b) A person commits the Class A misdemeanor, leaving a child unattended in a motor vehicle, who knowingly leaves a child eight (8) years of age or less unattended in a motor vehicle.

(c) A person commits the Class C felony, aggravated leaving a child unattended in a motor vehicle, who knowingly leaves a child eight (8) years of age or less unattended in a motor vehicle and as a result of such conduct:

(1) The child is injured; or

(2) The child injures another person by causing a motor vehicle collision or by causing the motor vehicle to injure another person.

(d) A person commits the Class B felony, especially aggravated leaving a child unattended in a motor vehicle, who knowingly leaves a child eight (8) years of age or less unattended in a motor vehicle and as a result of such conduct:

(1) The child is fatally injured; or

(2) The child fatally injures another person by causing a motor vehicle collision or by causing the motor vehicle to fatally injure another person.

(e) A person commits the Class A felony offense of especially aggravated leaving a child unattended in a motor vehicle, who is in a position of trust or who is acting as the child's caregiver, the child having been placed in that person's care by the parent or guardian, and who leaves a child eight (8) years of age or less unattended in a motor vehicle and as a result of such conduct:

(1) The child is fatally injured; or

(2) The child fatally injures another person by causing a motor vehicle collision or by causing the motor vehicle to fatally injure another person.

(f) Nothing in this section precludes prosecution under any other provision of law.

Section 4. This act shall take effect July 1, 2007, the public welfare requiring it.

